

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)	
)	
VS.)	DOCKET NO. 15-cr-79-GZS
)	
SHAUN WRAY)	
)	

MOTION TO AMEND CONDITIONS OF RELEASE

Now comes the defendant, by counsel, pursuant to 18 U.S.C. § 3142(c)(3) and asks the court to amend the conditions of release. Specifically, the defendant asks the court to amend condition 7(p) changing it from the current (ii) Home Detention, to 7(p)(I) Curfew. We suggest a curfew of 8:30 p.m to 7a.m. to allow Shaun greater flexibility in his work and activity schedule.

Current Status

The current Conditions of Release place Shaun Wray on Home Detention. ECF#119. He has been in compliance with his conditions since his release on May 11, 2015. Shaun was originally released on Home Incarceration. He filed a motion to amend Home Incarceration to Home Detention on July 2, 2015. ECF#66. The court granted Shaun's request on July 31, 2015 following a hearing. ECF## 118, 119.

Employment

Shaun has obtained employment and been working at the Cold Stone Creamery ice cream shop located in the Atlantic Terminal shopping mall at 139 Flatbush Ave., Brooklyn, NY since approximately September 16, 2015. The hours vary. Shaun provides pre-trial with his schedule as soon as he knows it. On some occasions additional hours or shift become available. The current manager is Manuel Morales who can be reached at 917-995-3639. Pre-trial has tried to accommodate changes in the work schedule including extra hours but it is not always possible due to the need for someone at pre-trial to make the change in the electronic monitoring program. Often extra hours come up on short notice. Counsel verified the work situation in a telephone call to Mr. Morales. Mr. Morales said there has been some staff turnover and the store is short staffed. Shaun has been an excellent and dependable worker and they would like to increase Shaun's hours and level of responsibility. Having a curfew would help. Currently someone from work tries to confirm the hours to pre-trial but this can turn into a series of voice messages or e-mail. A curfew would assist in allowing Shaun to accept additional hours or shifts on short notice. This is particularly true as we head into the holiday season. Variable weather, number of shoppers and employees calling in sick all create openings when Shaun is asked if he would work additional hours. Mr., Morales said an example would be Shaun is at work and scheduled to be done around 2 p.m. The person coming in at 2 calls and says they can't come or has a problem and will not be able to come until 5pm. Currently it is very hard to have Shaun stay for that extra work,

frustrating Mr. Morales and Shaun. A curfew would rectify this difficulty. Some extra work goes later than 8:30 p.m. but that would allow more time for the employer to try and get clearance from pre-trial. At time Shaun works until 11 p.m. But we are not asking for that late of a curfew. Rather when work will go later than 8:30, Shawn will still clear that in advance with pre-trial services.

Family Responsibilities

Ryan lives with his father, step mother and younger brother, E.W. who is age 7 and in the second grade. Counsel spoke with Shaun's step mother, Michelle Wray. The family would like Shaun to walk E.W. to school and pick him up at after school. E.W. attends PS 219 and has to be at school by 8 am. E.W. is picked up from school at 2:20 p.m. It is about a 15 to 20 minute walk to and from school. A curfew would allow Shaun to walk E.W. to and from school. This would benefit Shaun's parents so they can get to work and their other commitments without having to schedule around always getting E.W. to and from school.

Conclusion

We ask the court to modify the conditions of release to a Curfew so it is easier for Shaun to add hours at work, to walk his brother to and from school and so Shaun can handle a greater level of household responsibilities. Shaun will remain on electronic monitoring with the current GPS system and all other current conditons. Shaun will still provide his

supervising officer his work schedule and keep in the same regular contact with pre-trial services. Shaun will notify pre-trial services if there is a change in employment, such as a new or additional job, or if his current job ends. We request the court amend the conditions of release changing Home Incarceration to a Curfew.

Dated: November 4, 2015

/s/ David Beneman
David Beneman, Esq
Attorney for Shaun Wray

Federal Public Defender
P.O. Box 595
Portland, Me 04112-0595
207-553-7070 ext. 101
David_Beneman@fd.org

CERTIFICATE OF SERVICE

I, David Beneman, hereby certify that I have caused, this date, the within **MOTION TO AMEND CONDITIONS OF RELEASE** to be served upon Assistant United States Attorney **Dan Perry, Esq.**, via the Court's ECF System.

Dated: November 4, 2015

/s/ David Beneman
David Beneman

CC: Shaun Wray
Stacy Graf, PO
Ryan Lehr, PO